19[illegible] **K** **File No.** B. Beggars/47

Legal **DEPARTMENT**

B. **BRANCH**

Subject:— A Bill to amend the Bombay Beggars Act.

L.A. Bill no. XLVI of 1947

(Passed on 6-10-'47).

Bombay Act No. LIII of 1947.

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Madhav Keshavan.
16/2/36.
c/6.

31/5

31/5

Office of the L. A.

Revised drafts of the Bill and the Statement of Objects and Reasons are sent herewith.

2. Although the word "Magistrate" has been defined in section 2(vi) of the Bombay Beggars Act, ~~XXX~~ 1945, it does not appear to have been used any where in the said Act, as defined. Accordingly, the said ~~XXXXXX~~ definition of "Magistrate" has been deleted and a new definition of "Court" has been substituted instead, by clause 2(1) (b) of the Bill.

3. No amendment has been made in section 7. Section 7, as it is at present worded, provides for ordering detention of persons dependent on a person ordered to be detained under section 5 or 6.
The proposal of the H.D. is to include in this section dependants of persons referred to in section 9 and 23. Section 9, however, refers to persons who employ or cause other persons to beg. Besides that section provides for a punishment and not detention. It does not seem appropriate to apply the provisions of section 7 to dependents of such persons. Nor does it appear appropriate to include section 7 as the said section 23 as proposed to be amended provides for detainment and for punishment and not for detention.

4. The provision for making an inquiry as regards the domicile of a beggar and for recording the said domicile in an order made under sub-section (4) of section 5 has been made by an addition to the said sub/section (4). As section 23 as proposed to be amended by this Bill requires a provision for detainment also when a person is not born in the Province, it is desirable that the enquiry to be made under sub/section(4) should also cover this point. The amendment provides accordingly. The proposal to amend sub-section (5) of section 5 by providing that the Court should award the punishment with reference to the period which may be considered necessary by the Court for equipping the beggar with training in some trade in order to enable him to earn his livelihood is not given effect to in the Bill. The object in view can be ~~XXXXXX~~ served more appropriately by issuing executive instructions for the guidance of the Courts.

5. In section 16 instead of making a provision for the return to the beggar of the money or the valuables found on his person, provision has been made for disposing of these in such a manner

as may be prescribed by rules. It is considered desirable that Government should be given the discretion to dispose of the property of the beggar detained in such manner as Government might think fit. It is possible to make provision in the rules for return of the property or such part thereof to the beggar under certain circumstances

6. Section 23 has been wholly recast. Provision has been made for externment of particular beggars from the Province of Bombay by the Court or by the Commissioner of Police or by a District Magistrate. The power is confined only to persons who are neither born nor domiciled in the Province of Bombay, and the externment is to be outside the Province of Bombay in all cases. The court and the other authorities have been given power to execute the order of externment in case of failure on the part of the beggar by getting him arrested and physically removed outside the Province. The revised section provides for a penalty to be imposed when such a person return in contravention of an externment order.

7. The Bill has been revised after discussion with Secretary H.D. and H.M. (H.D.). H. D. is requested to bring the bill immediately before the councils of ministers so that it may be published as soon as possible.

8. The Bill does not require any sanction or recommendation of the Governor.

9. The Bill provides for re-enactment of the Bombay Act No. XXIII of 1945. The provisions of the Bill in relation to the detention of lunatics in Certified Institutions are repugnant to the Indian Lunacy Act, 1912, which is an existing Indian law relating to entry No.18 of the Concurrent Legislative List. It will therefore, be necessary to reserve the Bill for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935.

sd/-

Remembrancer of Legal Affairs.

U. R. to H.D. No. 8999 dated the 3 rd September 1947.

Madhav Baokaden.
15/5.
a/s

No. 11379
Legal Department,
Bombay Castle, 27th November, 1947.

From

P.L. Lad, Esquire, I.C.S.
Secretary to the Government of Bombay;

To

The Private Secretary to the Governor of Bombay.

Subject :- A Bill to repeal and re-enact the Bombay Beggars Act, 1945.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for being placed before His Excellency the Governor, the authentic copy of the Bill to repeal and re-enact the Bombay Beggars Act, 1945, which was read for the third time and passed at the recent meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 16th and 17th October 1947, respectively.

2. The subject-matter of the Bill falls under entries 1, 2, 3, 30 and 37 in List II and entries 1, 2 and 10 in List III in the Seventh Schedule to the Government of India Act, 1935.

3. The Bill provides for re-enactment of the Bombay Act No. XXXII of 1945. The provisions of the Bill in relation to the detention of inmates in Certified Institutions are consequent to the Indian Lunacy Act, 1912, which is an existing law relating to entry 10 in the Concurrent Legislative List. It is, therefore, necessary to reserve the Bill also for the consideration of the Governor General with reference to section 107(3) of the Government of India Act, 1935.

4. I also forward herewith six copies of each of the items.

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	Nos. 1 to 3 and two copies of item No. 4 of the papers noted in the margin.
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
3. Bill as read for the third time and passed by the Bombay Legislative Council	
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 4th and 6th October 1947 and of the Bombay Legislative Council dated the 17th October 1947.	

The Bill was not referred to a Select Committee.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- P.M.L.

Secretary to Government.

Through

The Secretary to the Government of Bombay,

Home Department.

Madhav Raokadam.

16/5.

c/5.

7

No. P.S.G.- 5622.

Office of the Private Secretary to the Governor,
Government House,

Bombay, 4th December 1947.

From

L.E. Bagshawe, Esquire, I.C.S.,
Private Secretary to the Governor of Bomba

To

The Secretary to the Bombay Legislature Department,
Council Hall, Bombay.

Subject: The Bombay Beggars (Repeal and Re-enactment) Bill, 1947.

Sir,

With reference to the above-mentioned Bill which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council on the 6th and 17th October 1947, respectively, I am directed to state, for the information of the Honourable the Speaker and the Honourable the President, that as the provisions of the Bill in relation to the detention of lunatics in Certified Institutions are repugnant to the Indian Lunacy Act, 1912, which is an existing law relating to entry 18 in the Concurrent Legislative List, it is necessary to reserve the Bombay Beggars (Repeal and Re-enactment) Bill, 1947, for the consideration of His Excellency the Governor-general with reference to section 107 (2) of the Government of India Act, 1935. His Excellency the Governor is accordingly pleased, under section 75 of the Government of India Act, 1935, to declare that he reserves the Bill for the consideration of His Excellency the Governor-General.

Your obedient servant,

L. E. Bagshawe.

Private Secretary to the Governor of Bombay.

No.P.S.G.- 5623

Office of the Private Secretary to the Governor,
Government House,

Bombay, 4th December 1947.

Copy forwarded with compliments for information -

(1) The Secretary to Government, Legal Department, with reference to this letter No. 11379, dated the 28th November 1947.

(2) The Secretary to Government, Home Department, with reference to his endorsement No. 1589/5/c, dated the 1st December 1947.

By order of the Governor of Bombay,
sd/-

By order of the Governor of Bombay,

sd/-

Private Secretary to the Governor of Bombay.

Madhav Raokadam.
~~16/5~~ 16/5.

c/5.

No. PSG. 5996.

Government House,

Bombay, 30th December, 1947.

From

L.E. Raghavan, Esquire, I.C.S.

Private Secretary to the Governor of Bombay

To

The Secretary to Government,

Legal Department, Bombay.

Subject : The Bombay Beggars (Repeal and Reenactment) Bill, 1947.

Sir,

With reference to the correspondence resting with my endorsement No. PSG. 5623, dated 4th December 1947, on the above subject, I am directed to inform you that intimation has been recieived from the Secretary to the Government of India, Ministry of Home Affairs, that His Excellency the Governor-General has assented to the Bombay Beggars (Repeal and Reenactment) Bill, 1947, on the 27th December 1947.

Your obedient servant,

sd/-

Private Secretary to the Governor of Bombay.

Madhav Raoknadan.
15/5.

c/5.

No. PSO. 25.

Government House,

Bombay, 8th January, 1948.

From

L. V. Bagchawe, Esquire, ICS.

Private Secretary to the Governor of Bombay.

To

The Secretary to Government,

Legal Department, Bombay.

Subject : The Bombay Beggars (Repeal and Re-enactment) Bill, 1947.

Sir,

With reference to the correspondence resting with this Office letter No.PSO.5096, dated the 30th December 1947, I am directed to forward herewith the authentic copy of the Bombay Beggars (Repeal and Re-enactment) Bill, 1947, which His Excellency the Governor General's assent signified thereon.

Your obedient servant,

sd/-

Private Secretary to the Governor of Bombay.

Madhav Hoskeden.
15/5.
c/5.

Acts.

Publication of the Bombay Daggers (Repeal and Re-enactment) Act, 1947.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No.129
Bombay Castle, dt 6th January, 1948.

Letter to the Private Secretary to the Governor, No.11378, dated the 29th November 1947.

Letter from the Private Secretary to the Governor, No.PSO.5906, dated the 30th December 1947.

" With reference to the correspondence resting with myxx my endorsement No. ~~xx~~ PSO. 5623, dated 4th December 1947, on the above subject, I am directed to inform you that intimation has been received from the Secretary to the Government of India, Ministry of Home Affairs, that His Excellency the Governor-General has assented to the Bombay Daggers (Repeal and Re-enactment) Bill, 1947, on the 27th December 1947."

RESOLUTION :- The law should be published as Bombay Act No, LIII of 1947, in the Bombay Government Gazette dated the 6th January 1948.

2. The Act should be translated into Marathi, Gujarati, Kannada, and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department.

By order of the Governor of Bombay,

sd/- S.H. Paleker,

Deputy Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department)

The Home Department,
The Oriental Translator to Government,)
The Bombay Legislature Department,) ~~Secretary~~
The Director of Publicity, Bombay,) with a copy
The ~~King~~ Enquiry Officer for the Secretariat, Bombay. ofthe Act.

With five extra copies of the Act.

Madhav Pachkedan. 31/5
16/5. 6/5. 31/5